

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

309607

DATE OF REPORT (DAY-MO.-YEAR)

05 May 2006

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
Sharon E. SALUSTRO		P.A.	11129			121G
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE*
51 North Claremont		11 Nov 05 2000		2031		19
NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. Joshua PURKISS		P.O.	4801			015/214
2. Corry WILLIAMS		P.O.	17004			011/214
SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE†
1. M B		27 January 2003		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
2. M B		02 August 1999		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE	
1.						
2.						
NAME		*ADDRESS**		CITY STATE	TELEPHONE	PHYS. COND. CODE†
						01
						01
NAME		*ADDRESS**		CITY STATE	TELEPHONE	PHYS. COND. CODE†
						01
						01
NAME		*ADDRESS**		CITY STATE	TELEPHONE	PHYS. COND. CODE†
						01
						01

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

On 12 November 2005 at 0045 hours 20th District Sergeant John WARD initiated this complaint number after he interviewed the complainant, then contacted the Office of Professional Standards via the Pax and registered this complaint with Investigator BOWENS star 215.

ALLEGATIONS: SEE PAGE TWO OF SUMMARY REPORT DIGEST

REFERENCE:

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SEE PAGE TWO OF SUMMARY REPORT DIGEST

SUMMARY

ATTACH- MENTS	INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
	0	2A, 4, 5, 8	0	8

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

SEE PAGE SIX OF SUMMARY REPORT DIGEST

FINDINGS—RECOMMENDATIONS

DATE INITIATED
(DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION) 16 Nov 05

DATE COMPLETED
(DATE OF THIS REPORT) 2 May 06

ELAPSED TIME
(TOTAL TIME, EXPRESSED IN DAYS) 162

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

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ADDITIONAL ACCUSED:

- Accused #3. Tony C. HENRY, Police Officer, star 18642, Employee [REDACTED], Unit - 017 detailed 214, M/B, date of birth - [REDACTED] 1961, date of appointment - 05 December 1994, Duty status - on duty - sworn Code 01
- #4. Chad C. BAUMAN, Police Officer, star 15110, Employee [REDACTED] Unit - 015 detailed 214, M/W, date of birth - [REDACTED] 1971, date of appointment - 13 September 1999, Duty status - on duty - sworn, Code 01
- #5. Aaron B. CUNNINGHAM, Police Officer, star 15522, Employee [REDACTED], Unit - 010 detailed 214, M/W, date of birth - [REDACTED] 1967, date of appointment - 29 June 1998, Duty status - on duty - sworn, Code 01
- #6. Leo P. SCHMITZ, Lieutenant, star 605, Employee [REDACTED] Unit - 012 detailed 214, M/W, date of birth - [REDACTED] 1959, date of appointment - 11 August 1986, Duty status - on duty - sworn, Code 01
- #7. John P. LUCID, Sergeant, star 2361, Employee [REDACTED], Unit - 010 detailed 214, M/W, date of birth - [REDACTED] 1965, date of appointment - 02 January 1992, Duty status - on duty - sworn, Code 01
- #8. Franklin D. PAZ, JR. Police Officer, star 7567, Employee [REDACTED], Unit - 010 detailed 196, M/H, date of birth - [REDACTED] 1973, date of appointment - 04 October 1999, Duty status - on duty - sworn, Code 01

ADDITIONAL WITNESSES:

Witness #3. [REDACTED]

ALLEGATIONS:

- Accused #1. Police Officer Joshua PURKISS star 4801 assigned to 015 District, detailed Unit 214
- Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

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Allegations Continued:

Accused #2. Police Officer Cory WILLIAMS, star 17004 assigned to 11 District detailed Unit 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open his 2nd floor apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

Accused #3. Police Officer Tony C. HENRY, star 18642, assigned to 017 District detailed Unit 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

Accused #4. Police Officer Chad C. BAUMAN, star 15110, assigned to 015 District detailed Unit 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

Accused #5. Police Officer Aaron B. CUNNINGHAM, star 15522, assigned to 010 District detailed Unit 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

Accused #6. Lieutenant, Leo P. SCHMITZ, star 605, assigned to 012 District, detailed 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

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Allegations Continued:

Accused #7. Sergeant John P. LUCID, star 2361, assigned to 010 District detailed 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

Accused #8. Police Officer Franklin D. PAZ, JR. star 7567, assigned to 010 District detailed 214

Allegation #1. The complainant, [REDACTED] alleges on 11 November 2005 at 2000 hours at 51 [REDACTED] North Claremont that the accused forced open [REDACTED] apartment doors and illegally searched his residence during the execution a "bogus" search warrant.

INVESTIGATION:

Upon receipt of this investigation the undersigned learned that on 12 November 2005, 20th District, Sergeant John WARD responded to a request for a supervisor at 51 [REDACTED] North Claremont. Upon arriving at that location WARD was met by complainant [REDACTED] who told WARD he lives [REDACTED] of the building located at 51 [REDACTED] North Claremont which he also owns and which the police illegally searched on 11 November 2005. According to [REDACTED] he arrived home on 11 November 2005, and was met by [REDACTED] who said that the police had been there and they had forced open the rear doors to [REDACTED] apartment and searched it then left a copy of the search warrant with [REDACTED] told WARD that the warrant was "bogus" because he was not the target of the warrant and because the warrant location stated: Single Family Residence. Since [REDACTED] property is a two-story building that meant the officers searched the wrong location. WARD made notifications to Operations Command then initiated this complaint register number but for whatever reason, the initiation report was delayed and was not received as part of this investigation until 13 January 2006.

Upon receipt of this investigation the undersigned sent a certified letter to complainant [REDACTED], asking that he call in order to make an appointment to sign the sworn affidavit and give his statement regarding this complaint. [REDACTED] telephoned the Unit while the undersigned was on furlough and left her a voice message stating that he wanted to pursue the complaint and asked the undersigned call him at home to schedule his statement appointment. After returning from furlough the undersigned tried several times to contact [REDACTED] at his home and cellular telephone numbers to schedule his appointment to sign the affidavit and give a statement but each attempt met with negative results.

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INVESTIGATION Continued:

On 10 January 2006 the undersigned spoke with [REDACTED] and explained the sworn affidavit and the statement process to him then asked if [REDACTED] would be willing to sign the affidavit and give a statement regarding his complainant and [REDACTED] said that he would. Since WARD'S initiation report was not readily available and the undersigned did not receive the initiation report until 13 January 2006 as the information was not made available. The undersigned explained to [REDACTED] that she was having difficulty retrieving the warrant information from the department files and asked if [REDACTED] would mind faxing a copy of his search warrant copy to her. [REDACTED] suggested that instead of the undersigned trying to get a copy from him that maybe she should try talking to that guy from twenty, (20th District) "MORAN" who filed the report for [REDACTED] about the "bogus search warrant." [REDACTED] was then asked to provide the RD number from his report and he stated that he did not have it with him so the undersigned asked [REDACTED] to call her back with his report number.

[REDACTED] replied that he guessed he could do that but then he would just be doing the undersigned job for her and she should be doing her own job. The undersigned tried to explain that there was no mention anywhere, in the file, that [REDACTED] had filed a police report regarding the incident. [REDACTED] interrupted saying that he has seventeen employees working for him and all his information is on a computer that can be accessed at anytime and he knows the Chicago Police Department is on a computer system so he can't understand why this investigator isn't doing her job. He then suggested that she get her information by talking to the guy from the twentieth or the ones that screwed up the search warrant to begin with. Or better yet, he would make things simple for her by telling her the name that was on the "bogus search warrant." [REDACTED] claimed he could not recall the first name of the person on the warrant but he knew that the last name was [REDACTED]. But it really didn't matter as he does not, nor has ever known anyone with the last name of [REDACTED] nor has anyone with either name ever lived in his building. The undersigned told [REDACTED] that she would have to call him back later that day to schedule his appointment then she terminated the call.

The undersigned then queried the Alpha listing looking for a male officer assigned to the 20th District with the surname of "MORAN." The Alpha listing did not show any male officer's assigned to the 20th District under the surname of "MORAN" but it did list one female officer assigned with that surname. She also ran a Clear Data Warehouse query under a Service Calls Search to ascertain if there was a record of [REDACTED] request for service then queried the Chris and Clear systems as well in an attempt to locate any information relative to [REDACTED] report but each of these queries had negative results. The undersigned called [REDACTED] back to explain that she was unable to locate an officer MORAN or a call for service at his residence on 11 November 2005 and asked if he would please fax the report information to her. [REDACTED] agreed then said "don't you ever talk to anybody else on the police force"(in reference to his earlier comment) then he terminated the call. On 11 January 2006 [REDACTED] sent the requested facsimile transmission to the undersigned which consisted of a sheet of paper in [REDACTED] handwriting stating that [REDACTED] filed a complaint (did not file a police report) against the

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INVESTIGATION Continued:

accused officers with Sergeant WARD (not officer MORAN) and that WARD had called [REDACTED] back with this C.R.#309607 number which meant that [REDACTED] never filed a police report filed and his report number (RD number) did not exist. (Att's., #1a, 2, 2a, 3 & 4)

Prior to receiving the facsimile transmission the undersigned queried the Clear system looking for a search warrant under the names' [REDACTED] using [REDACTED] address as the location as well as an E-Track system search and both queries had negative results. But the search through the E-Track system of an Inventory search query by the accused officer's name using [REDACTED] address revealed on 11 November 2005, the accused obtained a search warrant for a [REDACTED] at 51 [REDACTED] North Claremont, [REDACTED] address, which was executed at 1845 hours. The accused members did not locate [REDACTED] but did recover narcotics at that location which they inventoried under two separate inventory numbers.

Once the search warrant information had been located and obtained the undersigned ran a Criminal History with a photograph of [REDACTED] and after reviewing the facsimile transmission she called [REDACTED] and asked him to schedule his appointment to sign the affidavit and give a statement as all the relevant search warrant information had been located. Then she told [REDACTED] that the name [REDACTED] did not appear on the search warrant but the name [REDACTED] did. [REDACTED] did not say anything so after a few minutes of silence the undersigned asked [REDACTED] if he knew who [REDACTED] was. [REDACTED] said that [REDACTED] was a relative of one of [REDACTED] and that he [REDACTED] had obtained a restraining order against [REDACTED] to keep him away from his property. When the undersigned asked [REDACTED] if the restraining order was still in effect [REDACTED] became upset stating that he always works with the police, he is very active in his community and the undersigned should call the 20th District to find out how [REDACTED] works with the police. The undersigned told [REDACTED] that he was still required to sign the affidavit and give a statement and asked when he would like to meet with her to do so and [REDACTED] said that the undersigned should just schedule it and he would be there. This investigator told [REDACTED] that for his convenience she would adjust her duty hours then gave him five dates to choose from but [REDACTED] said he did not have anytime available on any of the five dates.

[REDACTED] finally chose 1000 hours on 24 January 2006 to meet with this investigator to sign the affidavit and give a statement. After [REDACTED] scheduled the appointment he was again given the undersigned duty hours and was to contact the undersigned if he was not able to keep the appointment or if he had to reschedule the appointment and [REDACTED] said that he understood and would definitely keep the appointment. On 24 January 2006 [REDACTED] failed to keep the appointment or to reschedule the appointment and that following weekend he left a voice message for the undersigned saying that he had a family emergency and asked that he be allowed to meet with the undersigned too sometime around 07 February 2006 and asked that the undersigned call his cellular telephone if that time was acceptable to her.

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INVESTIGATION Continued:

On 09 February 2006 the undersigned was going to reschedule [REDACTED] appointment and tried to contact him via his cellular telephone and his home telephone but both numbers were not working so she finally telephoned [REDACTED] business to speak with him. [REDACTED] was angry that he was contacted at his business and said he did not want to talk to this investigator in front of his employees and would call her back. The undersigned tried to tell [REDACTED] that too much time had already elapsed and they needed to schedule an appointment now as she could not go forward with the investigation until [REDACTED] signed the affidavit and gave his statement and she suggested a date and time to meet. [REDACTED] said he could not make that date or time then stated "I said I would call you back, and you have to do what you have to do" and terminated the call without making an appointment. This investigator made one more attempt to have [REDACTED] sign the affidavit and give his statement but that attempt also met with negative results. (Attachment #'s 5, 6, & 7)

As this investigator was attempting to get the complainant to sign the sworn affidavit and give a statement it was discovered that [REDACTED] had been filed on behalf of the complainant regarding this alleged incident. A careful review of the civil suit found that it contained the same allegations as those listed under this complaint. Since this investigation was already under way rather than assign a new complaint register number to the civil suit the civil suit was incorporated under this investigation. (Attachment # 8)

Due to the complainant's failure to cooperate with the investigation the accused members were identified by not served nor notified of the charges/allegations made against them under this complaint register number.

Based on the fact that the complainant has failed to cooperate in this investigation, and that no sworn affidavit has been executed. It has been determined that the allegations in this case are completely false and not factual. Therefore, the following recommendations are being made.

FINDINGS:

Accused #1. Police Officer Joshua PURKISS star 4801 assigned to 015 District, detailed Unit 214

Allegation #1. UNFOUNDED

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FINDINGS Continued:

Accused #2. Police Officer Cory WILLIAMS, star 17004 assigned to 11 District detailed Unit 214

Allegation #1. UNFOUNDED

Accused #3. Police Officer Tony C. HENRY, star 18642, assigned to 017 District detailed Unit 214

Allegation #1. UNFOUNDED

Accused #4. Police Officer Chad C. BAUMAN, star 15110, assigned to 015 District detailed Unit 214

Allegation #1. UNFOUNDED

Accused #5. Police Officer Aaron B. CUNNINGHAM, star 15522, assigned to 010 District detailed Unit 214

Allegation #1. UNFOUNDED

Accused #6. Lieutenant, Leo P. SCHMITZ, star 605, assigned to 012 District, detailed 214

Allegation #1. UNFOUNDED

Accused #7. Sergeant John P. LUCID, star 2361, assigned to 010 District detailed 214

Allegation #1. UNFOUNDED

Accused #8. Police Officer Franklin D. PAZ, JR. star 7567, assigned to 010 District detailed 214

Allegation #1. UNFOUNDED

RECOMMENDATIONS: No disciplinary action warranted case to be filed.

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EVIDENCE

- Attachments:
1. Complaint Against Department Member
 - 1A. Complaint Register Investigation Conflict Certification
 2. Initiation Report by 20th District Sergeant John WARD star 1552
 - 2A. **UNSIGNED SWORN AFFIDAVIT**
 3. Copy of Certified Letter sent to Complainant [REDACTED] and related documents
 4. Report by Police Agent Sharon SALUSTRO #11129 GIS/IAD
RE: Telephonic Conference with Complainant [REDACTED]
and related documents
 5. Report by Police Agent Sharon SALUSTRO #11129 GIS/IAD
RE: Complainant [REDACTED] failure to keep scheduled
Appointment to sign Sworn Affidavit and give statement
and related documents
 6. Report by Police Agent Sharon SALUSTRO #11129 GIS/IAD
RE: Telephonic conference with Complainant, [REDACTED] at
[REDACTED]
 7. Report by Police Agent Sharon SALUSTRO #11129 GIS/IAD
RE: Complainant [REDACTED] refusal to cooperate with investigation
 8. Copy of Civil Suit - [REDACTED] filed on 15 March 2006